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12
13 **UNITED STATES DISTRICT COURT**
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15 **IN AND FOR THE DISTRICT OF ARIZONA**

16 SOILWORKS, LLC, an Arizona
17 corporation,

18 Plaintiff / Counterdefendant /
19 Counterclaimant,

20 v.
21 MIDWEST INDUSTRIAL SUPPLY, INC.,
22 an Ohio corporation authorized to do
23 business in Arizona,

24 Defendant / Counterclaimant /
25 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**SOILWORKS, LLC'S RESPONSE TO
MIDWEST INDUSTRIAL SUPPLY,
INC.'S MOTION IN LIMINE (DOC.
#105) TO BAR EVIDENCE
REGARDING ANY LEGAL ADVICE
SOILWORKS, LLC MAY HAVE
RECEIVED CONCERNING
MIDWEST'S PATENTS**

(Before the Honorable David G. Campbell)

26 In response to Midwest's Motion *in Limine* with respect to legal advice Soilworks,
27 LLC may have received regarding Midwest's patents ("Motion"), Soilworks gave full and
28 complete answers to the written discovery propounded upon it by Midwest during the
discovery process. Soilworks has never claimed that it relied on advice of counsel, or that
any documents exist regarding such advice with respect to Midwest's patents.

29 For the foregoing reasons, Soilworks, LLC respectfully requests that the Court deny
30 Midwest's Motion *in Limine* to Bar Evidence Regarding Any Legal Advice Soilworks, LLC
31 May Have Received Concerning Midwest's Patents.

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Dated this 24th day of September, 2008.

KUTAK ROCK LLP

By /s E. Scott Dosek

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Attn: ms for Plaintiff Seily

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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2008, the foregoing **SOILWORKS, LLC'S RESPONSE TO MIDWEST'S MOTION IN LIMINE TO BAR EVIDENCE REGARDING ANY LEGAL ADVICE SOILWORKS, LLC MAY HAVE RECEIVED CONCERNING MIDWEST'S PATENTS** was filed electronically. Notice of this filing will be sent to all parties by operations of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s Amy S. Fletcher

Amy S. Fletcher